

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12635-RWZ

ERIC TRAVERS, et al.
Plaintiffs,

v.

CITY OF NEWTON, Massachusetts, et al.,
Defendants,

JOINT MOTION FOR ORDER REGARDING INSTATEMENT

The Plaintiffs and City of Newton ("City") (hereinafter "parties") hereby jointly move for an Order by the Court providing guidelines for instatement of Plaintiffs as Newton firefighters in settlement of the above-captioned matter. In support of their Joint Motion, the parties state as follows:


1. The parties have agreed to resolve the above-captioned matter through the instatement of the plaintiffs as firefighters for the City of Newton.
2. Because one element of the agreement is the opportunity pursuant to civil service law and Newton eligibility requirements to be certified as firefighter candidates, the parties believe any action on this element requires a court order.
3. The attached, Proposed Order addresses the proposed instatement remedy, and the intent of the parties is that this proposed Order apply to only the seven named Plaintiffs.

WHEREFORE, the parties respectfully request that the Court grant this Joint Motion and enter an Order consistent with the Proposed Order attached hereto.

Allowed
Ryan J. Zabel
12/1/05

DEFENDANT CITY OF NEWTON et al.


By their attorneys,



Mary Jo Harris, BBO # 561484
Morgan, Brown & Joy, LLP
200 State Street
Boston, MA 02109-2605
(617) 523-6666

PLAINTIFFS ERIC TRAVERS, et al.

By their attorneys,



Harold L. Lichten, BBO#5 49689
Alfred Gordon, BBO # 630456
Pyle, Rome, Lichten, Ehrenberg &
Liss-Riordan, P.C.
18 Tremont Street, Suite 500
Boston, MA 02108
(617) 367-7200

Dated: